

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ESPERANZA ACOSTA,

Plaintiff,

v.

No. 2:24-cv-00789-DLM-JHR

BORDER STATES INDUSTRIES, INC.,

Defendant.

**ORDER SETTING CASE MANAGEMENT DEADLINES
AND DISCOVERY PARAMETERS**

THIS MATTER came before the Court on a Rule 16 scheduling conference held on September 16, 2024. Following a review of the attorneys' Joint Status Report and Provisional Discovery Plan, and after conferring with counsel, the Court will permit the following discovery:

- a) Maximum of 25 Interrogatories by any party to any other party.
- b) Maximum of 25 Requests for Production by any party to any other party.
- c) Maximum of 25 Requests for Admission by any party to any other party.
- d) Maximum of 10 Depositions by Plaintiff and 10 Depositions by Defendant; and
- e) Each deposition, excepting depositions of parties,¹ is limited to 4 hours unless agreed otherwise by the parties.

Service of interrogatories, requests for production, and requests for admission shall be considered timely only if the responses are due prior to the deadline. A notice to take deposition shall be considered timely only if the deposition takes place prior to the deadline.

¹ As Defendant is a corporate party, "parties" here refers to Plaintiff and any Rule 30(b)(6) witness designated by Defendant for depositional purposes.

The Court has set the following management deadlines:

- a) Deadline for Plaintiffs to move to amend pleadings/
add additional parties:² October 11, 2024
- b) Deadline for Defendants to move to amend pleadings/
add additional parties:¹ November 8, 2024
- c) Plaintiffs' Rule 26(a)(2) expert disclosure:³ December 21, 2024
- d) Defendants' Rule 26(a)(2) expert disclosure:² January 21, 2025
- e) Plaintiffs' disclosure of rebuttal experts, if any: 15 days from service of
Defendants' expert reports
- f) Termination date for discovery: February 24, 2025
- g) Motions relating to discovery to be filed by: March 3, 2025
- h) Pretrial motions other than discovery motions filed by:⁴ April 7, 2025
- i) Plaintiffs' proposed trial order due to Defendants: April 21, 2025 if no pretrial
motions are pending; or 14 days
after last motion is decided
- j) Defendants' proposed trial order due to Plaintiffs: 14 days after service of
Plaintiffs' proposed trial order

Pursuant to Federal Rule of Civil Procedure 16(b)(3)(B)(v), "before moving for an order relating to discovery, the movant must request a conference with the court" to attempt to informally resolve the dispute. Discovery motions that fail to conform to this requirement may

² Federal Rule of Civil Procedure 16 requires that the Court set a deadline for amendment of pleadings and joinder of parties. A party seeking to amend the pleadings after the above dates must both demonstrate good cause to amend the scheduling order as required by Federal Rule of Civil Procedure 16(b) and satisfy the requirements for amendment under Federal Rule of Civil Procedure 15(a). *See, e.g., Gorsuch Ltd., B.C. v. Wells Fargo Nat. Bank Ass'n*, 771 F.3d 1230, 1242 (10th Cir. 2014).

³ Parties must disclose the names of all expert witnesses, including treating physicians, the subject matter on which the experts will present evidence, and a summary of the facts and opinions to which the experts are expected to testify by this date. Experts who are retained or specifically employed to provide expert testimony must also submit an expert report by this date. *See* Fed. R. Civ. P. 26(a)(2). The parties must have their retained expert(s) ready to be deposed at the time they identify them and provide their reports. Expert witnesses who are not required to provide a written report may be deposed before summary disclosure.

⁴ This deadline applies to motions related to the admissibility of experts or expert testimony that may require *Daubert* hearing, but otherwise does not apply to motions in limine. The presiding judge will set a deadline for the submission of motions in limine and other trial-related deadlines in a separate order.

be summarily denied. Any extension of the case management deadlines must be approved by the Court. Any requests for additional discovery must be submitted to the Court by motion prior to the expiration of the discovery.



HON. JERRY H. RITTER
UNITED STATES MAGISTRATE JUDGE